



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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**AGENDA WITH ANALYSIS
STATE PUBLIC WORKS BOARD**

**Monday, July 16, 2018 at 10:00 a.m. in
Room 2040, State Capitol, Sacramento, California**

I.	Roll Call		
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Pursuant to section 11125 of the Government Code, notice of all Board meetings will be given at least ten days in advance and such notice must include a copy of the agenda. Members of the Public may address the Board prior to it taking action on any matter in the agenda.

This notice and the Board agenda for the current month are available on the Internet at: <http://www.spwb.ca.gov>.

Individuals who need disability-related accommodation, including auxiliary aids for effective participation at this public meeting are invited to make their requests and preferences known to Kathryn Lee at (916) 445-9694 or e-mail to Kathryn.Lee@dof.ca.gov, five days prior to the meeting.

MINUTES

Consider approving the minutes from the June 11, 2018 meeting.

Staff have reviewed the minutes from the June 11, 2018 meeting and recommend approval of those meeting minutes.

Staff Recommendation: Approve minutes from the June 11, 2018 meeting.

CONSENT ITEMS

NONE

ACTION ITEM

ACTION ITEM—1

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
VARIOUS COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1) as reappropriated by the Budget Act of 2018
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1) as reappropriated by the Budget Act of 2018
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15853 of the Government Code*

Consider authorizing site selection of the following parcels in full or in part.

High Speed Rail Authority Parcel Number	Assessor Parcel Number
Fresno County	
FB-10-0426	385-110-05
FB-10-0421	385-110-45S
FB-10-0430	385-110-54
FB-10-0438	385-200-04
FB-10-1514	385-020-40T
Kern County	
FB-15-0357	071-050-21
Kings County	
FB-16-0926	028-202-007
FB-16-0927	028-202-025

ACTION ITEM

STAFF ANALYSIS ITEM—1

High Speed Rail Authority
Initial Operating Segment, Section 1
Various Counties

Action Requested

If approved, the requested action would authorize site selection of eight assessors' parcels in full or in part.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno, construction of a bridge over the San Joaquin River, several grade separations, two viaducts and the acquisition of approximately 1,600 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Project Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase 1 Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase 1 Blended System. The IOS-1 is a component of the Phase 1 Blended System.

Background

To date, the Board has site-selected approximately 1,600 parcels comprising approximately 120 miles from Madera to near Bakersfield. This total does not reflect properties associated with right-of-way transfer agreements with local government.

In Fresno County, parcels FB-10-0426, FB-10-0421, and FB-10-0430 are needed for Pacific Gas and Electric utility relocations near the HSTS between E. Kamm Avenue and E. Conejo Avenue. Parcel FB-10-0438 is needed to provide a greater turning radius at the intersection of E. Conejo Avenue and S. Topeka Avenue, and Parcel FB-10-1514 is needed for the S. Chestnut Avenue access to the E. Nebraska Avenue grade separation. In Kern County, parcel FB-15-0357 is needed for the HSTS crossing underlying fee within Wasco Avenue. In Kings County, parcels FB-16-0926 and FB-16-0927 are small properties adjacent to a much larger parcel needed for the project. The owner has requested a full acquisition of all three parcels.

For these properties, the CEQA and NEPA processes were completed in 2014. Consistent with corridor based projects, minimal real estate due diligence has occurred to date as the alignment determines which properties must be acquired and any abatement or title issues will be resolved during or shortly after acquisition.

Staff Recommendation: **Authorize site selection of eight assessors' parcels in full or in part.**

ACTION ITEM

ACTION ITEM—2

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
KINGS COUNTY**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1) as reappropriated by the Budget Act of 2018
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1) as reappropriated by the Budget Act of 2018
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of an amended Resolution of Necessity authorizing the use of eminent domain to acquire the following property:

Brazil Property (Kings County)

Authority Parcel Numbers: FB-16-0203-1, FB-16-0203-2, FB-16-0203-4, FB-16-0203-6, FB-16-0203-7, FB-16-0203-8, FB-16-0203-9, and FB-16-0203-01-01

Assessor Parcel Number: 016-260-019

ACTION ITEM

STAFF ANALYSIS ITEM—2

High Speed Rail Authority
Initial Operating Segment, Section 1
Kings County

Action Requested

If approved, the requested action would adopt an amended Resolution of Necessity (RON) authorizing the use of eminent domain.

Brazil Property: On June 15, 2015, the Board adopted RON 2015-0201, authorizing the use of eminent domain to acquire the Brazil property in Kings County. Subsequent to that action, a design change occurred which eliminated the Iona Avenue overpass in Kings County. As a result, one fee acquisition for the Brazil property was decreased, four fee acquisition areas were removed, three fee acquisitions of underlying fee were added, one permanent easement was replaced by a different permanent easement area, and two temporary construction easements were added.

On June 22, 2018, a Notice of Intent to adopt an amended RON was mailed to the property owner. This notice was sent in accordance with Code of Civil Procedure section 1245.235.

Staff Recommendation: Adopt an amended RON authorizing the use of eminent domain.

ACTION ITEM

ACTION ITEM—3

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
VARIOUS COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1) as reappropriated by the Budget Act of 2018
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1) as reappropriated by the Budget Act of 2018
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b)(2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire the following properties:

- 1. Levario Property (Kings County)**
Authority Parcel Number: FB-16-0383-1
Assessor Parcel Number: 016-070-037
- 2. Brazil Property (Kings County)**
Authority Parcel Numbers: FB-16-0762-1 and FB-16-0762-2
Assessor Parcel Number: 028-080-003
- 3. J.L. Fragoso Cattle Company Property (Kings County)**
Authority Parcel Numbers: FB-16-0436-1 and FB-16-0436-2
Assessor Parcel Number: 016-200-042
- 4. Fonseca Property (Kings County)**
Authority Parcel Number: FB-16-0384-1
Assessor Parcel Number: 016-070-042
- 5. Bettencourt Property (Kings County)**
Authority Parcel Numbers: FB-16-0741-1, FB-16-0741-2, and FB-16-0741-3
Assessor Parcel Number: 002-190-006
- 6. Reyes Property (Kern County)**
Authority Parcel Number: FB-15-0357-1
Assessor Parcel Number: 071-050-21
- 7. Sandridge Partners Property (Tulare County)**
Authority Parcel Numbers: FB-54-0515-1, FB-54-0515-2, FB-54-0515-5, and FB-54-0515-01-01
Assessor Parcel Numbers: 311-050-006 and 311-050-008

- 8. Machado Property (Kings County)**
Authority Parcel Numbers: FB-16-0768-1, FB-16-0769-1, FB-16-0769-2, FB-16-0771-1, FB-16-0771-2, FB-16-0771-3, FB-16-0772-1, and FB-16-0772-2
Assessor Parcel Numbers: 028-205-001 and 028-205-004
- 9. De Jong Property (Kings County)**
Authority Parcel Numbers: FB-16-0763-1, FB-16-0763-2, FB-16-0763-3, FB-16-0764-1, FB-16-0764-2, FB-16-0764-3, FB-16-0765-1, FB-16-0765-2, FB-16-0766-1, and FB-16-0766-2
Assessor Parcel Numbers: 028-080-008 and 028-080-015
- 10. Chatha Property (Fresno County)**
Authority Parcel Number: FB-10-1340-1
Assessor Parcel Number: 338-110-68s (formerly designated as 338-110-26s)
- 11. Yergat Property (Fresno County)**
Authority Parcel Numbers: FB-10-1387-1 and FB-10-1387-2
Assessor Parcel Number: 487-140-57s (formerly designated as 487-140-39s)

ACTION ITEM

STAFF ANALYSIS ITEM—3

High Speed Rail Authority
Initial Operating Segment, Section 1
Various Counties

Action Requested

Adopt Resolutions of Necessity authorizing the use of eminent domain to acquire properties for the High Speed Train System project.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno and relocation of railroad lines, the construction of bridges over the San Joaquin and Fresno Rivers as well as other waterways, several dozen grade separations, multiple viaducts and trenches, and the acquisition of approximately 1,600 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase 1 Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase 1 Blended System. The IOS-1 is a component of the Phase 1 Blended System.

Background

In order to adopt a Resolution of Necessity that is required to initiate the eminent domain proceedings, the Board must consider that the following conditions have been met:

- (A) The public interest and necessity require the project;
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (C) The property sought to be acquired is necessary for the project; and,
- (D) The offer required by Government Code section 7267.2 has been made to the owner or owners of record.

In 2008 the voters of California approved Proposition 1a, authorizing monies from the High-Speed Passenger Train Bond fund in support of this Project. In 2009 and 2010 the federal government approved funds in support of the portion of this Project extending from San Francisco to Anaheim, and in 2012 and 2014, through Chapter 152, Statutes of 2012 and Chapter 25, Statutes of 2014, the Legislature appropriated funds for the acquisition and design-build phases of the IOS-1 of the Project, extending from Madera to just north of Bakersfield.

The Property Acquisition Law, commencing with section 15850 of the Government Code, authorizes the Board to select and acquire in the name of the State of California (State) with the consent of the State agency concerned, the fee or any lesser right or interest in any real property

necessary for any State purpose or function. This law also authorizes the Board to acquire property by condemnation, in the manner provided for in Title 7 (commencing at section 1230.010) of Part 3 of the Code of Civil Procedure.

Each of the properties is within the right of way for IOS-1 and was site selected at previous Board meetings. The site selections took place after an environmental review process where it was determined that any alternative alignment would include the selected parcels, or where a preferred alignment had already been approved by both the High Speed Rail Authority Board and the Federal Railroad Administration. Acquisition of these properties will allow the High Speed Rail Authority to move forward with construction of the HSTS.

Between March 2018 and May 2018, the various owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. Negotiations to acquire the properties are continuing; however, in order to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain is required.

On June 21, 2018 and June 28, 2018, Notices of Intent to adopt a Resolution of Necessity were mailed to the respective property owners. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

Property Specific Information:

1. Levario Property (Kings County)
Authority Parcel Number: FB-16-0383-1
Assessor Parcel Number: 016-070-037
Partial Acquisition: Approximately 2.47 acres in fee

This property is needed for improvements along State Route 198, east of State Route 43.

2. Brazil Property (Kings County)
Authority Parcel Numbers: FB-16-0762-1 and FB-16-0762-2
Assessor Parcel Number: 028-080-003
Partial Acquisition: Approximately 0.54 acre in easement

This property is needed for the realignment of the canal at the Jackson Avenue grade separation.

3. J.L. Fragoso Cattle Company Property (Kings County)
Authority Parcel Numbers: FB-16-0436-1 and FB-16-0436-2
Assessor Parcel Number: 016-200-042
Partial Acquisition: Approximately 0.52 acre in fee

This property is needed for the Houston Avenue grade separation and to provide access to the Fragoso property.

4. Fonseca Property (Kings County)
Authority Parcel Number: FB-16-0384-1
Assessor Parcel Number: 016-070-042
Partial Acquisition: Approximately 0.18 acre in fee

This property is needed for improvements along State Route 198, east of State Route 43.

5. Bettencourt Property (Kings County)
Authority Parcel Numbers: FB-16-0741-1, FB-16-0741-2, and FB-16-0741-3
Assessor Parcel Number: 002-190-006
Partial Acquisition: Approximately 0.23 acre total (0.08 acre in fee and 0.15 acre in easement)

This property is needed for the construction of the Excelsior Avenue grade separation and the encasing of People's Ditch under the HSTS in Hanford.

6. Reyes Property (Kern County)
Authority Parcel Number: FB-15-0357-1
Assessor Parcel Number: 071-050-21
Partial Acquisition: Approximately 0.03 acre in fee

This property is needed for construction of HSTS at Wasco Avenue, between Jackson Avenue and Prospect Avenue.

7. Sandridge Partners Property (Tulare County)
Authority Parcel Numbers: FB-54-0515-1, FB-54-0515-2, FB-54-0515-5, and FB-54-0515-01-01
Assessor Parcel Numbers: 311-050-006 and 311-050-008
Partial Acquisition: Approximately 38.57 acres total (24.77 acres in fee, 13.80 acres in easement)

This property is needed for the construction of the HSTS between Avenue 88 and Avenue 56 along Highway 43.

8. Machado Property (Kings County)
Authority Parcel Numbers: FB-16-0768-1, FB-16-0769-1, FB-16-0769-2, FB-16-0771-1, FB-16-0771-2, FB-16-0771-3, FB-16-0772-1, and FB-16-0772-2
Assessor Parcel Numbers: 028-205-001 and 028-205-004
Partial Acquisition: Approximately 0.96 acre in easement

This property is needed for the construction of a turn-around at Lansing Avenue as well as utility relocations and construction of HSTS between Kansas Avenue and Lansing Avenue.

9. De Jong Property (Kings County)
Authority Parcel Numbers: FB-16-0763-1, FB-16-0763-2, FB-16-0763-3, FB-16-0764-1, FB-16-0764-2, FB-16-0764-3, FB-16-0765-1, FB-16-0765-2, FB-16-0766-1, and FB-16-0766-2
Assessor Parcel Numbers: 028-080-008 and 028-080-015
Partial Acquisition: Approximately 1.24 acres in easement

This property is needed for utility relocations across the HSTS between Jackson Avenue and Jersey Avenue.

10. Chatha Property (Fresno County)
Authority Parcel Number: FB-10-1340-1
Assessor Parcel Number: 338-110-68s (formerly designated as 338-110-26s)
Partial Acquisition: Approximately 0.28 acre in easement

This property is needed for construction of the E. Floral Avenue grade separation.

11. Yergat Property (Fresno County)

Authority Parcel Numbers: FB-10-1387-1 and FB-10-1387-2

Assessor Parcel Number: 487-140-57s (formerly designated as 487-140-39s)

Partial Acquisition: Approximately 1.04 acres in easement

This property is needed for construction of, and access to, an irrigation pipeline near the HSTS crossing of Golden State Boulevard that would connect the Fresno Irrigation District to S. Orange Avenue.

Staff Recommendation: **Adopt Resolutions of Necessity authorizing the use of eminent domain to acquire properties for the HSTS.**

OTHER BUSINESS

NONE

REPORTABLES

TO BE PRESENTED AT MEETING